



# PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael J. Hier et al.  
Serial No.: 10/711,692  
Filed: September 30, 2004  
Art Unit: 3616  
Examiner: Unknown  
Confirmation No.: 5691  
Title: INFLATABLE AIRBAG CUSHION FORMED WITH A BLOWN  
ELASTOMER CORE AND METHODS OF USING AND  
MANUFACTURING SAME  
Atty Docket No.: MASL-68

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**CERTIFICATE OF EXPRESS MAILING**  
"EXPRESS MAIL" MAILING LABEL NO. EV536050285US

**DATE OF DEPOSIT:** November 4, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop Missing Parts, Commissioner for Patents, Alexandria, VA 22313-1450.

Christina Rodgers  
Name of person mailing paper or fee

Christina Rodgers  
Signature of person mailing paper or fee

### Enclosed:

Response to Notice to File Missing Parts (w/XML Document attached)  
Copy of Notice  
Check in the amount of \$130.00  
One (1) formal drawing sheet depicting Figs. 3A and 3B  
Preliminary Amendment (3 pgs).  
Postcard



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Cincinnati, Ohio 45202

November 4, 2004

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**RESPONSE TO NOTICE OF OMITTED ITEMS**

Sir:

In response to the Notice of Omitted Items in a Nonprovisional Application mailed October 26, 2004, please find enclosed herewith a copy of such Notice and one (1) sheet of formal drawings depicting Figs. 3A and 3B. Please add this sheet of formal drawings to the application. Also enclosed is a check in the amount of \$130.00 for the petition fee.

Applicants contend that the missing sheet of drawings was in fact deposited in the U.S. Patent and Trademark Office with the nonprovisional application papers. Specifically, the missing sheet of drawings was included with the application, which was filed electronically on September 30, 2004. Applicants supply herewith a copy of the XML document that Applicants believe accurately represents the electronically-filed patent application. While Applicants cannot provide a reason for the discrepancy between the XML document and the application received by the U.S. Patent and Trademark Office, Applicants believe that the absence of the missing drawing sheet was an inadvertent omission. The

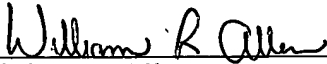
missing sheet of drawings was present in the XML document, which was reviewed for accuracy before the application was actually transmitted to the U.S. Patent and Trademark Office. Hence, Applicants request that the petition fee be refunded and that the application be accorded a filing date of September 30, 2004.

Should the U.S. Patent and Trademark Office determine the missing sheet of drawings to not be deposited with the nonprovisional application papers, Applicants submit that every feature of Figs. 3A and 3B is schematic and completely described in the application as filed. Accordingly, Applicants submit that no new matter has been added to the specification as Applicants are merely conforming the drawings to the written description. Furthermore, this error was made in good faith and without any deceptive intent on the part of Applicants or Applicants' undersigned counsel. It is therefore requested that this application be accorded the original filing date of September 30, 2004.

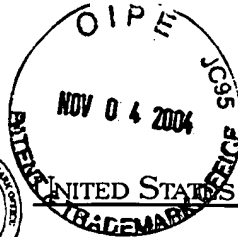
Applicants believe that no other fees are due in connection with this response other than the enclosed petition fee. However, if such petition is due or any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

  
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William R. Allen  
Reg. No. 48,389

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Page 1 of 2

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/711,692	09/30/2004	Michael J Hier	MASL-68

CONFIRMATION NO. 5691

## FORMALITIES LETTER



\*OC000000014192453\*

37690

WOOD, HERRON &amp; EVANS, LLP (LEAR)

2700 CAREW TOWER

441 VINE STREET

CINCINNATI, OH 45202

~~11/08/2004 FFANAI2 00000037 10711692~~~~01 FC:1051~~~~130.00 OP~~

Date Mailed: 10/26/2004

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

~~Void date: 11/08/2004 FFANAI2~~~~11/08/2004 FFANAI2 00000037 10711692~~~~01 FC:1051~~

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 3A-B described in the specification.

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I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

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omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
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*A copy of this notice MUST be returned with the reply.*



Customer Service Center  
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